

Remarks

The applicant appreciates the examiner's consideration of the application, and requests reconsideration and allowance of the claims in view of the preceding amendments and the following comments.

The examiner rejected claims 1-9 as anticipated by Goodwin, 4,203,240. Goodwin does not disclose the presently-claimed invention. Goodwin describes printing identification information on two separable portions of the top of a can, or a bottle cap. As shown in Fig. 5, the same number 50 is printed on removable tab 55 and top 45 of a can. As shown in Figs. 2 and 6, the same number 25 is printed on the removable top 16 and the retained band 20 for a bottle cap. The information is used so that the removed portion and the container can be matched after the separation of the two.

In contrast, claim 1 is a method of providing advertising information through placement of advertising indicia on at least one of the top, bottom and side of an integral lid for a container such as a coffee cup. Claim 12 is more specific than claim 1. The reference does not disclose an integral lid for any reason. And, since the very nature of the Goodwin reference relates to a two-part closure, Goodwin clearly could not be used with an integral lid. In other words, Goodwin requires a two-part closure and so cannot be read to disclose or suggest an integral lid. It is improper under the law to read a reference in a manner that would change its operating principle. Accordingly, under the law, Goodwin cannot be used to reject the claims. *See, e.g., In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Further, Goodwin teaches placement of identifying indicia, not advertising indicia as claimed herein. This is another critical distinction. In column 2, lines 29-30, Goodwin states that an object of the invention is to promote the sale of beverages. Promotion of the sale of the

product within the container that carries the printing is not advertising. Accordingly, Goodwin does not disclose this element of the claims. In this regard, the advertising indicia of the invention is not an intended purpose but rather is a positive limitation of the claims and so must be considered in any rejection thereof.

Claim 12 places the advertising indicia on the side of the lid, which is clearly not disclosed in Goodwin or any other reference, and so is likewise patentable.

The remaining references do not make up for the stated deficiencies of Goodwin. Accordingly, all of the claims are allowable. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned in Westborough, Massachusetts, (508) 898-1501.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. Dingman', is written over a horizontal line.

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